



"Together...ReShaping Young Lives"

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Donald W. DeVore
Secretary

CORRECTED LETTER

March 6, 2008

RE: Request for Expression of Interest
Per Diem/Residential Contract Providers

Dear Potential Provider:

The Department of Juvenile Services is requesting Expression of Interest letters from providers who provide or intend to provide any of the following services: group foster care services for children and adolescents, services for the mentally ill, residential rehabilitation services (psychosocial), or therapeutic group home services for children and adolescents under a negotiated rate system. Providers must comply with The Code of Maryland Regulations (COMAR) 14.31.05, 14.31.06 and 14.31.07, Residential Child Care Programs, regulations and standards adopted by the Department of Juvenile Services, the Office of Children, and other applicable State agencies.

Please acknowledge receipt of this letter by submitting an Expression of Interest Letter with information regarding your program or organization and how you will meet the COMAR standards and provide any of the services.

This year, DJS is focusing special attention on Provider Compliance with two State laws, Minority Business Enterprises (MBE) subcontracting goals and the Living Wage Law and Requirements. Review attachment 1 to determine if the Living Wage Requirements apply to your organization and review attachment 2 to determine your ability to use Minority Business Enterprise subcontractors/suppliers if you receive a contract from Juvenile Services.

Per COMAR 21.11.03, State procurements are to include a Minority Business Enterprise (MBE) Subcontracting Goal that overall, results in female and minority owned firms receiving 25% of most procurement dollars. Going forth with any Per Diem Contract effective July 1, 2008 or later, DJS is expecting all providers to make a good faith effort to maximize their utilization of MBE subcontractors and suppliers certified by the Maryland Department of Transportation (MDOT). We are seeking your feedback regarding the MBE Subcontracting Participation Rate you calculate to be reasonable and achievable for your program. Therefore, a thorough review of your program and subcontracting opportunities may result in you recommending a MBE Subcontracting Goal higher or lower than the State's goal of 25%. For your assistance, I have attached a list of possible subcontracting opportunities, as well as the website for MDOT to access extensive MBE vendor and certification information.

Prior to receiving a contract award from DJS, you will be required to submit documentation to justify your MBE Subcontracting Goal. Working together, we can establish appropriate Goals



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for Per Diem Contracts. In addition, please pursue MBE certification if you meet the eligibility requirements outlined on MDOT's website. For any questions or concerns, feel free to contact the MBE Administrator for DJS, Mrs. Vecchionia D. Dixon, via e-mail at dixonv@djs.state.md.us or by telephone at (410) 230-3421.

Please ensure that your Expression of Interest letter is received by the Department of Juvenile Services no later than 3:30 p.m., March 20, 2008. Submit letters to:

Marcus V. Filson, Director
Office of Procurement
Department of Juvenile Services
One Center Plaza
120 W. Fayette Street
Baltimore, Maryland 21201

If you have any questions, I may be reached at (410) 230-3325.

Sincerely,



Marcus V. Filson, Chief
Office of Procurement

MVF:ams

C: Mary Louise Orth
Margo Wilson
File

Attachment 1
Per Diem –Noncompetitive Awards

Living Wage Requirements

A State contract for services valued at \$100,000 or more may be subject to Title 18, State Finance and Procurement Article, Annotated Code of Maryland. Additional information regarding the State's Living Wage requirement is contained below and in the following section entitled *Living Wage Requirements for Service Contracts*.

Contractors and Subcontractors subject to the Living Wage Law shall pay each covered employee at least \$11.30 per hour, if State contract services valued at 50% or more of the total value of the contract are performed in the Tier 1 Area. If State contract services valued at 50% or more of the total contract value are performed in the Tier 2 Area, an Offeror shall pay each covered employee at least \$8.50 per hour. The specific Living Wage rate is determined by whether a majority of services take place in a Tier 1 Area or Tier 2 Area of the State. The Tier 1 Area includes Montgomery, Prince George's, Howard, Anne Arundel, and Baltimore Counties, and Baltimore City. The Tier 2 Area includes any county in the State not included in the Tier 1 Area. If the employees who perform the services are not located in the State, the head of the unit responsible for a State contract pursuant to §18-102 (d) shall assign the tier based upon where the recipients of the services are located.

This contract has been determined to be a Tier _____ contract.

Note to Procurement Officer: For sole source contracts, the agency will make a Tier 1 or Tier 2 determination based on where the majority of services are to be provided. For a contract where the majority of services are provided out of state, the agency must make a tier determination based on where the majority of service recipients are located.

Living Wage Requirements for Service Contracts

- A. This contract is subject to the Living Wage requirements under Title 18, State Finance and Procurement Article, Annotated Code of Maryland and the regulations proposed by the Commissioner of Labor and Industry. The Living Wage generally applies to a Contractor or Subcontractor who performs work on a State contract for services that is valued at \$100,000 or more. An employee is subject to the Living Wage if he/she is at least 18 years old or will turn 18 during the duration of the contract; works at least 13 consecutive weeks on the State Contract and spends at least one-half of the employee's time during any work week on the State Contract.
- B. The Living Wage Law does not apply to:
 - (1) A Contractor who:
 - (A) has a State contract for services valued at less than \$100,000, or
 - (B) employs 10 or fewer employees and has a State contract for services valued at less than \$500,000.
 - (2) A Subcontractor who:
 - (A) performs work on a State contract for services valued at less than \$100,000,
 - (B) employs 10 or fewer employees and performs work on a State contract for services valued at less than \$500,000, or
 - (C) performs work for a contractor not covered by the Living Wage Law as defined in B(1)(B) above, or B(3) or C below.
 - (3) Service contracts for the following:
 - (A) services with a Public Service Company;
 - (B) services with a nonprofit organization;
 - (C) services with an officer or other entity that is in the Executive Branch of the State government and is authorized by law to enter into a procurement ("Unit"); or
 - (D) services between a Unit and a County or Baltimore City.
- C. If the Unit responsible for the State contract for services determines that application of the Living Wage would conflict with any applicable Federal program, the Living Wage does not apply to the contract or program.

- D. A Contractor must not split or subdivide a State contract for services, pay an employee through a third party, or treat an employee as an independent contractor or assign work to employees to avoid the imposition of any of the requirements of Title 18, State Finance and Procurement, Annotated Code of Maryland.
- E. Each Contractor/Subcontractor, subject to the Living Wage Law, shall post in a prominent and easily accessible place at the work site(s) of covered employees a notice of the Living Wage Rates, employee rights under the law, and the name, address, and telephone number of the Commissioner.
- F. The Commissioner of Labor and Industry shall adjust the wage rates by the annual average increase or decrease, if any, in the Consumer Price Index for all urban consumers for the Washington/Baltimore metropolitan area, or any successor index, for the previous calendar year, not later than 90 days after the start of each fiscal year. The Commissioner shall publish any adjustments to the wage rates on the Division of Labor and Industry's Website. An employer subject to the Living Wage Law must comply with the rate requirements during the initial term of the contract and all subsequent renewal periods, including any increases in the wage rate, required by the Commissioner, automatically upon the effective date of the revised wage rate.
- G. A Contractor/Subcontractor who reduces the wages paid to an employee based on the employer's share of the health insurance premium, as provided in §18-103(c), State Finance and Procurement Article, Annotated Code of Maryland, shall not lower an employee's wage rate below the minimum wage as set in §3-413, Labor and Employment Article, Annotated Code of Maryland. A Contractor/Subcontractor who reduces the wages paid to an employee based on the employer's share of health insurance premium shall comply with any record reporting requirements established by the Commissioner of Labor and Industry.
- H. A Contractor/Subcontractor may reduce the wage rates paid under §18-103(a), State Finance and Procurement, Annotated Code of Maryland, by no more than 50 cents of the hourly cost of the employer's contribution to an employee's deferred compensation plan. A Contractor/Subcontractor who reduces the wages paid to an employee based on the employer's contribution to an employee's deferred compensation plan shall not lower the employee's wage rate below the minimum wage as set in §3-413, Labor and Employment Article, Annotated Code of Maryland.
- I. Under Title 18, State and Finance Procurement Article, Annotated Code of Maryland, if the Commissioner determines that the Contractor/Subcontractor violated a provision of this title or regulations of the Commissioner, the Contractor/Subcontractor shall pay restitution to each affected employee, and the State may assess liquidated damages of \$20 per day for each employee paid less than the Living Wage.
- J. Information pertaining to reporting obligations may be found by going to the DLLR Website <http://www.dllr.state.md.us/> and clicking on Living Wage.

POSSIBLE MBE SUBCONTRACTING OPPORTUNITIES

Accounting/Payroll/Tax Prep/Billing
 Activity Materials
 Architectural Services
 Auto Leasing/ Repair/ Servicing
 Building Inspection
 Building Maintenance/Janitorial
 Cell Phone/Pager
 Clinical Staff- Psychologist/ Psychiatrist/ Social Worker
 Computer Consulting/ Programming Services
 Computer Purchase
 Computer Repair/ Maintenance
 Eateries/Caterer
 Electrical Repair
 Embroidery/Imprinting
 Employment Agency
 Engineering Services
 Entertainment
 Equipment Maintenance
 Furniture/Appliance/TV Rental
 Insurance (Property and Professional Liability)
 Lawn Mowing Services
 Legal
 Medical Staff
 Office Equipment Rental
 Office Supplies
 Photocopy & Duplicating Services
 Photofinishing
 Real Estate Agents/ Appraisers
 Secretarial/Transcription Service
 Social Services Research/ Performance Evaluation
 Telephone Answering Service
 Temporary Personnel
 Training
 Translation Services
 Transportation (bus charter/taxi)

MBE DIRECTORY

<http://mbe.mdot.state.md.us/cgi-bin/mbedir/mbedirectory>

MBE CERTIFICATION INFO

http://www.mdot.state.md.us/MBE_Program/Index.html